

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OSCAR GATES,
Petitioner,

v.

RON DAVIS, Warden, San Quentin State
Prison

Respondent.

No. C 88-2779 WHA


DEATH PENALTY CASE

SCHEDULING ORDER

On November 13, an Order issued denying petitioner's claims 5A, 5B, 5C, and 18 and directing the petitioner to file a brief on all remaining "record-based claims," which historically has referred to those claims for which petitioner will not seek an evidentiary hearing. The parties have submitted a joint statement indicating that they did not reach agreement as to which claims qualified as record-based, or what that term was intended to mean, and seek a further Order directing briefing. In the statement, petitioner identifies four remaining claims for which he will not seek an evidentiary hearing.

Accordingly, pursuant to the parties' joint statement and this Court's previous Orders, the Court hereby **ORDERS** the following:

1) Within 28 days of the date of this Order, petitioner's counsel shall submit a proposed CJA budget for the next round of briefing;


WILLIAM ALSUP
United States District Judge